



# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Set Public Hearing for May 13, 2009 to consider all of the appeals that have been filed regarding the decision of the Planning Commission to Deny Use Permit (U-02-12). Vesting Tentative Parcel Map (03-P-001) and Site Plan and Architectural Review (08-SP-08) concerning the Lodi Shopping Center located at 2640 West Kettleman Lane.

**MEETING DATE:** April 21, 2009

**PREPARED BY:** Community Development Director

**RECOMMENDED ACTION:** Set public hearing for May 13, 2009 to consider all of the appeals that have been filed regarding the decision of the Planning Commission to Deny Use Permit (U-02-12), Vesting Tentative Parcel Map (03-P-001) and Site Plan and Architectural Review (08-SP-08) concerning the Lodi Shopping Center located at 2640 West Kettleman Lane.

**BACKGROUND INFORMATION:** Pursuant to Lodi Municipal Code Chapter 17.88 and Section 66452.5(a) of the Government Code (State Subdivision Map Act) Browman Development Company and Wal-Mart Stores, Inc. filed appeals regarding the decision of the Planning Commission on April 8, 2009. The appeals were filed in a timely manner and the appropriate fee was paid. Subsequent appeals have been filed by Brett Jolley on behalf of Lodi First and Chris Podesto. The City Council may now set the matter for a public hearing to consider the appeals. It is suggested that the matter may be heard at a special meeting on May 13, 2009 at 6:30 p.m. at Hutchins Street Square in a similar manner as the appeal regarding the Final Revised Environmental Impact Report. The appeals will be the only item for consideration on the agenda.

The City Council is being asked to set this Public Hearing at a Special Meeting because of the time limits required by the Subdivision Map Act. The hearing must be held within 30 days of the filing of the appeal. In order to meet this requirement, the hearing must be set a minimum of ten days prior to the meeting date. The next regularly scheduled Council meeting on May 6<sup>th</sup> would not allow for the meeting to take place on May 13<sup>th</sup>. Alternatively, there is a provision which extends the period for the public hearing to 60 days should the City Council desire to hear the appeals at a regularly scheduled meeting.

**FISCAL IMPACT:** Not applicable.

**FUNDING AVAILABLE:** Not applicable.

Konrad Bartlam  
Community Development Director

**Attachments:**

1. Planning Commission Resolution
2. Staff Report for the Lodi Shopping Center considered at the April 8, 2009, Planning Commission meeting

**APPROVED:**   
Blair King, City Manager

**RESOLUTION NO. P.C. 09-07**

**A RESOLUTION OF THE LODI PLANNING COMMISSION DENYING USE PERMIT FILE NO. U-02-12 TO ALLOW THE CONSTRUCTION OF A COMMERCIAL SHOPPING CENTER IN THE C-S ZONE AND THE SALE OF ALCOHOLIC BEVERAGES AT THE WAL-MART SUPERCENTER; THE TENTATIVE PARCEL MAP 03-P-001 TO CREATE 12 PARCELS; PROVIDING AND THE ARCHITECTURAL APPROVAL FOR A NEW COMMERCIAL BUILDING TO BE CONSTRUCTED AT 2640 W. KETTLEMAN LANE (WAL-MART)**

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**WHEREAS,** an application was filed by Browman Development Company for a commercial shopping center at 2640 W. Kettleman Lane more particularly described as Assessor's Parcel Numbers 058-030-08 and 058-030-02 and portion of 058-030-09; and

**WHEREAS,** the application included the following requested approvals: Use Permits for the construction of commercial structures as required by the C-S Commercial Shopping District and for the sale of alcoholic beverages, a Vesting Tentative Map to create 12 parcels for the project, and architectural approval of a new commercial building including elevations and colors to be used for the construction of a Wal-Mart store located at 2640 W. Kettleman Lane (the "Project"); and

**WHEREAS,** the Planning Commission of the City of Lodi, after more than ten (10) days published notice, held a public hearing before said Commission on April 8, 2009 to consider the Project; and

**WHEREAS,** the Planning Commission considered the information provided in the record and at the Public Hearing on April 8, 2009, including, but not limited to, the proposed conditions of Project approval and the proposed findings and statement of overriding considerations pursuant to the California Environmental Quality Act;

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED,** as follows:

1. The foregoing recitals are true and correct and incorporated herein by reference.
2. A motion to approve the Project resulted in a tie (3-3) vote of the members of the Planning Commission, as indicated below, which results in a denial of the Project.

Dated: April 8, 2009


I hereby certify that Resolution No. P.C. 09-07 was passed and adopted by the Planning Commission of the City of Lodi at their meeting held on April 8, 2009, as a result of the following vote to approve the Project:

AYES: Commissioners: Cummins, Olson, Hennecke

NOES: Commissioners: Kiser, Kirsten, Heinitz

ABSENT: Commissioners: Mattheis

**ATTEST:**

  
\_\_\_\_\_  
Secretary, Planning Commission

**LODI  
PLANNING COMMISSION  
Staff Report**

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**MEETING DATE:** April 8, 2009

**APPLICATION NO:** Use Permit U-02-12,  
Vesting Tentative Map 03-P-001  
Site Plan and Architectural Review 08-SP-08

**REQUEST:** The request of Browman Development Company to allow construction of the Lodi Shopping Center and allow all subsequent development approvals for the center. Specifically, to approve Use Permit U-02-12 to allow the construction of a commercial center in a C-S, Commercial Shopping District, and allow the sale of alcoholic beverages at the Wal-Mart Supercenter and Vesting Tentative Map 03-P-001 to create 12 parcels for the project. Finally, to approve the SPARC application concerning the Wal-Mart building.

**LOCATION:** 2640 West Kettleman Lane. Approximately 40 acres located at the southwest corner of west Kettleman Lane/State Route 12 and Lower Sacramento Road in west Lodi.

**APPLICANT:** Browman Development Company  
100 Swan Way, Suite 206  
Oakland, CA 94621

**PROPERTY OWNER:** Browman Development Company & Wal-Mart Real Estate  
100 Swan Way, Suite 206 Business Trust  
Oakland, CA 94621 Mail Stop 0555  
Bentonville. AR 72716-0555

**RECOMMENDATION:** Staff recommends that the Planning Commission approve the Use Permit, Vesting Tentative Map, and SPARC requests subject to the conditions listed in the Draft Resolution as attached.

**PROJECT/AREA DESCRIPTION**

**General Plan Designation:** NCC, Neighborhood / Community Commercial.

**Zoning Designation:** C-S, Commercial Shopping District.

**Property Size:** Approximately 40 acres, 36 acres for the shopping center development and 4 acres adjacent and southwest of the shopping center site for construction of a stormwater detention drain.

**Adjacent General Plan, Zoning and Land Use:**

**North** (across W. Kettleman Ln): General Plan; NCC, Neighborhood Community Commercial  
Zoning; C-S, Commercial Shopping Center  
Land Use; The Vintner's Square Shopping Center anchored by the Lowe's Home Improvement store

**South:** General Plan; LDR, Low Density Residential  
Zoning; PD, Planned Development  
Land Use; Currently Agricultural planted as a vineyard, but planned as the Southwest Gateway planned residential community

**West:** General Plan; PQP, Public/Quasi Public & HDR, High Density Residential  
Zoning; PUB, Public & PD, Planned Development  
Land Use; Currently agricultural, but planned for a utility substation and higher density residential as part of the Southwest Gateway planned residential community

**East (across Lower Sacramento Rd.):** General Plan; NCC, Neighborhood Community Commercial  
Zoning; C-S, Commercial Shopping Center  
Land Use; The Sunwest Plaza Shopping Center currently anchored by the existing Wal-Mart, J.C. Penny and the Food 4 Less Grocery Store.

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## **BACKGROUND:**

March 11, 2009, the Lodi City Council certified the Final Revised Environmental Impact Report (FREIR) for the Lodi Shopping Center project. The action took place as a result of two appeals that were filed concerning the Planning Commission's decision to not certify the document at their October 8, 2008 meeting. At that October meeting, the balance of the requests that have been submitted were tabled in order for final action on the environmental document to take place. With the Council action, those requests are now back before the Commission for consideration.

## **PROJECT DESCRIPTION:**

### **Use Permit and Tentative Map Analysis:**

Approximately 18 years ago, the City's General Plan designated the southwest corner of West Kettleman Lane/State Route 12 and Lower Sacramento Road for the construction of large-scale retail development. Since that time, the centers on the other three corners have built out as envisioned. Major national retailers such as Wal-Mart, J.C. Penney, Target, and Lowe's have occupied these corners. The Lodi Shopping Center is proposed on the remaining fourth corner to be anchored by a Wal-Mart Supercenter. This type and scale of development is consistent with the activity that has occurred at the other three corners.

The City's Zoning Code requires that all plot plans for projects within the C-S, Commercial Shopping District receive Planning Commission approval. Over time, this review has been done through the Use Permit process. The Zoning Code also requires Use Permit approval for the sale of alcoholic beverages. The applicant is requesting a Use Permit and a Vesting Tentative Map in order to divide the property into 12 lots that will correspond to the number of buildings anticipated for the project.

The proposed project includes the construction of approximately 339,966 square feet of commercial retail uses, representing a variety of retail sales and services, to be contained in 12 buildings of varying sizes. The primary use will be a Wal-Mart Supercenter which will occupy approximately 226,868 square feet of floor area, including approximately 70,000 square feet for grocery sales, 19,889 square feet for a garden center (including outdoor fenced area), and 6,437 square feet for an auto service shop. The Wal-Mart

Supercenter will not include the use of outdoor metal storage containers, and will not include a seasonal sales area in the parking lot.

A moderate sized retailer will occupy approximately 35,000 square feet on pad 12 in the southeast corner of the site. The remaining 11 buildings will range in size from 3,200 square feet to 14,788 square feet. Three of the 11 buildings will be occupied by fast food franchises, with another two buildings consisting of sit-down restaurants, and the remaining buildings occupied by such retail uses such as financial services/bank, professional/business services, and other retail sales and services.

The uses, layout and design of the shopping center has remained the same as that presented to and approved by the Planning Commission in December, 2004. The Wal-Mart building is located at the southwestern corner of the site, with 11 freestanding buildings located along Kettleman Lane and Lower Sacramento Road to the north and east. In the center of the shopping center is the main parking lot. The proposed vesting tentative map includes the Wal-Mart store and all corresponding parking in the largest lot (lot 12, 18.3 acres), with each of the remaining 11 buildings on their own lot with associated parking. These other lots are generally one+/- acre in size, with the smallest (lot 8) being 0.53 AC and the largest (lot 11) being 2.6 AC. Internal travel lanes, parking medians and planters are located through-out the interior. Access to the Center is mainly from Westgate Drive and Lower Sacramento Road, with right turn in and out only from Kettleman Lane. As shown on the site plan, significant public improvements are required in order to build this project, as detailed in the draft conditions in the accompanying resolution of approval. The applicant will be responsible for the construction of Westgate Drive from Kettleman Lane to the southerly project boundary as well as the frontage improvements on Kettleman Lane and Lower Sacramento Road. The applicant is also responsible for the approximately four acre site across Westgate Drive to be used for storm water detention, all associated project right-of-way dedications, utility easements, engineering reports and studies, and fees. An encroachment permit from CalTrans for Kettleman Lane / State Route 12 will be needed.

Conditions in the draft Resolution cover fire safety, outdoor storage or display of merchandise, shopping cart storage, security and exterior lighting. Consistent with the prior approval by the City Council, conditions relative to re-use of the existing Wal-Mart building are also included. Further, even though a CEQA environmental impact as to urban decay or physical deterioration from the Lodi Shopping Center cannot be made, the Planning Commission can make a decision that the economic effects of the Center on the Downtown should be addressed. To this end, staff is proposing a condition to require the Lodi Shopping Center to invest in the Downtown area. The aggregate value of the capital improvement must exceed \$700,000. Finally, a condition is included to incorporate all mitigation measures as specified in the certified FREIR.

The Use Permit will allow the sale of alcoholic beverages, for the Supercenter's use. No Use Permit for alcohol for any of the freestanding buildings has been applied for or is under consideration. The tenants of these freestanding buildings are not known to staff and have not been included in this request. Any such request in the future would require a Planning Commission Hearing at that time when the specific details of the requesting business are known. The Planning Commission has previously found that the sale of alcoholic beverages is incidental to a grocery store operation and that is what is being requested by the Wal-Mart Supercenter. As such, staff is recommending that the Planning Commission approve the request to sell alcohol.

The second Use Permit request emanates from the C-S zoning designation which specifically states that a "detailed plot plan of the proposed construction" be submitted to the Planning Commission. The design standards identified in the code are as follows:

- A. The site shall be designed and used as a unit, regardless of ownership of the land and buildings.
- B. All streets bordering the site shall be fully dedicated and improved by the developer.
- C. The design of the development shall include the landscaping of buildings and parking areas, the screening of nearby residential areas, and the enclosure or shielding of trash and disposal areas. Lights and signs shall be located to avoid disturbance to residential areas.
- D. Driveways, parking areas and loading areas shall be located so as to minimize traffic interference.

It is staff's opinion that the Planning Commission has little discretion regarding this Use Permit. Effectively, Section 17.58 of the Municipal Code adds additional design requirements to the project. These standards were adopted in 2004 specifically to deal with the design of large scale retail establishments like Wal-Mart. The applicant has met or exceeded each of these standards as presented and conditioned. Therefore, staff is recommending that the Planning Commission approve this request.

As previously discussed in the analysis, a vesting tentative map approval is requested to divide the site into 12 lots. The applicant has met the requirements of the City's subdivision ordinance and the State Subdivision Map Act. Staff recommends approval of this action and has included vesting tentative map conditions in the draft resolution.

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#### **SPARC Review:**

Along with the plot plan and tentative map for the Lodi Shopping Center, preliminary elevations and colors for the Wal-Mart Supercenter have been submitted. No elevations or colors, landscaping plan, signage plan, materials, or other final plans for the rest of the Center or buildings have been submitted. As mentioned, this shopping center is subject to the City's Design Standards for Large Retail Establishments. The overall site layout, building footprints, parking areas, and access driveways provide the overall direction of the Center and were used by staff and the Planning Commission in the December 8, 2004 review to determine that this project complies with the Design Standards for Large Retail Establishments. As such, no further design, layout, or changes have been proposed.

The proposed project includes the construction of a new Wal-Mart Supercenter store with a building size of approximately 226,868 square feet. The Wal-Mart building would be located on the southwestern portion of the project site, and the building entrance would face east toward Lower Sacramento Road. The Wal-Mart Supercenter building is a single story structure. The architectural theme of the building is a contemporary style and uses construction materials commonly used in commercial shopping center construction. Architectural materials such as concrete masonry block, metal awnings, and exterior plaster finish will be utilized on the exterior of the building. The major materials used for architectural treatment include fawn (brown) colored stucco, fawn (brown) cultured stone veneer, split face (light brown) block, sea-green colored smooth finish metal panels, charcoal roofing material, hallow (gunmetal gray) metal doors and cornices, and black fencing. The body of the building will be in shades of brown. The ground level will have fawn (brown) colored stucco walls with fawn colored stone veneer accent walls near key entrances and along the lower eight feet of the exterior wall. The architectural treatment features are mostly used on the north and east elevation. Also on the main entrance, a canopy type architectural feature is proposed. The proposed main entry canopy will be clad with a brown cultured stone finish.

The west and south elevations do not feature the same detailed architectural treatment. The west (rear) elevation is a continuous wall with little architectural treatment to breakup the elevation of the building. The entire west elevation will have fawn (brown) colored stucco walls with metal doors painted to match the stucco. Cornices and accent trims are provided to break up the wall elevation. The ground level will also have cultured veneer stone elements. The midsection of the western elevation should receive further architectural treatment to add architectural interest to the wall. It is important to note that this elevation will be visible from across Westgate Drive.

The southern elevation will feature nearly identical architectural treatment as the west elevation. However, the proposed southern elevation is less of an issue. First, there will be an 8-foot tall masonry wall on the southern property line to block any view of this elevation from the project to the south. Second, unlike the western elevation, the southern elevation is not a continuous large mass elevation. Because the main axis of the building faces west (the longest elevation), the south elevation is the side of the building and is relatively small in size in comparison. A condition of approval is included in the SPARC Resolution regarding additional architectural treatment for the west elevation.

### **Circulation and Parking**

The site plan indicates six access points to three public streets. There will be three entrances/exits from Lower Sacramento Road, one from Kettleman Lane (HWY 12), and two from Westgate Drive. All three streets will have a raised center median that will restrict turning movements in some degree. The main entrance to the project parking lot is from Lower Sacramento Road and will be located near the middle of the project site. This entrance will have a traffic signal to control traffic flow and will allow both entering and exiting traffic to turn in both directions. The other access points from Lower Sacramento Road will be restricted to right turn in and right turn out movements. The direct driveway entrance from Kettleman Lane (Hwy. 12) will only permit a right-turn in and right-turn out traffic movement. Traffic can also access the shopping center from Kettleman Lane by way of Westgate Drive. This intersection is controlled by an existing traffic signal that will allow both right and left turning movements. The main (northern) access point from Westgate Drive will allow both right and left hand tuning movements. The southern access point will only allow right in, right out movements. Circulation to and from the site is very similar to the Vintners Square Center (Lowe's) to the north.

The main parking lot is located on the east side of the Wal-Mart building. There will be smaller parking areas to serve the free-standing commercial pads. For the Wal-Mart building, a total of 965 parking spaces are proposed (4.45/1000). A total of 434 parking spaces are required, per City code (General Retail 1/500). The proposed number of parking stalls exceeds the minimum parking requirements.

There are 12 cart corrals proposed to be distributed throughout the parking lot. These cart corrals will be screened in brown CMU wall with wooden frames to provide additional ornamentation.

### **Landscaping and Signage**

The proposed landscape plan calls for various large shade trees, smaller trees, shrubs and ground covers. A total of 478 larger shade trees will be provided within the parking lot interior, along the southern and western edges the property line, and throughout the site. This total number of trees exceeds what the City code requires.

The approval of project signage is not a part of the current review and would be subject to City of Lodi codes and requirements to ensure they complement the building architecture and landscaping of the building. Signage applications and approvals would be done separately, should the project be approved.

### **PUBLIC HEARING NOTICE:**

Legal Notice for the Use Permit and Vesting Tentative Map was published on March 28, 2009 in the Lodi New Sentinel. The item was posted at City Hall and at the City of Lodi Library on March 26, 2009. 62 public hearing notices were sent out through the combination of the U.S. Postal Service and electronic mail which included all property owners of record within a 300-foot radius of the subject property as required by Government Code section 65091(a)3.

### **CONCLUSION:**

Based on the fact that the applicant has met all of the City's requirements for these requests, staff recommends that the Planning Commission approve Use Permit U-02-12, Vesting Tentative Map 03-P-

001and that the Planning Commission approve Site Plan and Architectural Review for the Wal-Mart building 08-SP-08, P.C. 09-\_\_\_\_

**ALTERNATIVE PLANNING COMMISSION ACTIONS:**

- Approve with additional/different conditions
- Deny the Use Permit/Tentative Map
- Continue the requests

Respectfully Submitted,



Konradt Bartlam  
Community Development Director

**ATTACHMENTS:**

1. Vicinity Map
2. Site Plan
3. Vesting Tentative Map
4. Wal-Mart Elevation and Hardscape Plan
5. Draft P.C. Resolutions; PC 09-\_\_\_\_
6. City Council Resolution 2009-27
7. Comment Letters





***Please immediately confirm receipt  
of this fax by calling 333-6702***

CITY OF LODI  
P.O BOX 3006  
LODI, CALIFORNIA 95241-1910

**ADVERTISING INSTRUCTIONS**

**SUBJECT: PUBLIC HEARING TO CONSIDER APPEALS FILED REGARDING THE  
LODI SHOPPING CENTER**

**PUBLISH DATE: THURSDAY, APRIL 30, 2009**

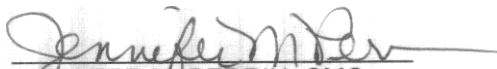
**LEGAL AD**

**TEAR SHEETS WANTED: One (1) please**

**SEND AFFIDAVIT AND BILL TO:** RANDI JOHL, CITY CLERK  
City of Lodi  
P.O. Box 3006  
Lodi, CA 95241-1910

**DATED: TUESDAY, APRIL 28, 2009**

**ORDERED BY: RANDI JOHL  
CITY CLERK**

  
JENNIFER M. PERRIN, CMC  
ASSISTANT CITY CLERK

\_\_\_\_\_  
MARIA BECERRA  
ADMINISTRATIVE CLERK

**Verify Appearance of this Legal in the Newspaper – Copy to File**

LNS Faxed to the Sentinel at 369-1084 at 3:20pm (time) on 4/28/09 (date) 2 (pages)  
Phoned to confirm receipt of all pages at \_\_\_\_\_ (time) \_\_\_\_\_ CM \_\_\_\_\_ JMP (initials)

1



## **DECLARATION OF POSTING**

PUBLIC HEARING TO CONSIDER ALL OF THE APPEALS THAT HAVE BEEN FILED REGARDING THE DECISION OF THE PLANNING COMMISSION TO DENY USE PERMIT (U-02-12), VESTING TENTATIVE PARCEL MAP (03-P-001), AND SITE PLAN AND ARCHITECTURAL REVIEW (08-SP-08) CONCERNING THE LODI SHOPPING CENTER LOCATED AT 2640 WEST KETTLEMAN LANE; AND FURTHER CONSIDER ADOPTING THE FINDINGS AND STATEMENTS OF OVERRIDING CONSIDERATIONS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

On Friday, May 1, 2009, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to consider all of the appeals that have been filed regarding the decision of the Planning Commission to deny Use Permit (U-02-12), Vesting Tentative Parcel Map (03-P-001), and Site Plan and Architectural Review (08-SP-08) concerning the Lodi Shopping Center located at 2640 West Kettleman Lane; and further consider adopting the findings and statements of overriding considerations pursuant to the California Environmental Quality Act (attached and marked as Exhibit A) was posted at the following locations:

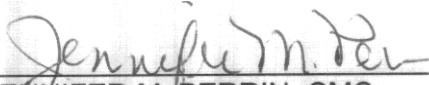
Lodi Public Library  
Lodi City Clerk's Office  
Lodi City Hall Lobby  
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

**Executed** on May 1, 2009, at **Lodi**, California.

**ORDERED BY:**

**RANDI JOHL**  
CITY CLERK

  
JENNIFER M. PERRIN, CMC  
ASSISTANT CITY CLERK

\_\_\_\_\_  
MARIA BECERRA  
ADMINISTRATIVE CLERK



## **DECLARATION OF MAILING**

PUBLIC HEARING TO CONSIDER ALL OF THE APPEALS THAT HAVE BEEN FILED REGARDING THE DECISION OF THE PLANNING COMMISSION TO DENY USE PERMIT (U-02-12), VESTING TENTATIVE PARCEL MAP (03-P-001), AND SITE PLAN AND ARCHITECTURAL REVIEW (08-SP-08) CONCERNING THE LODI SHOPPING CENTER LOCATED AT 2640 WEST KETTLEMAN LANE; AND FURTHER CONSIDER ADOPTING THE FINDINGS AND STATEMENTS OF OVERRIDING CONSIDERATIONS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

On Wednesday, April 29, 2009, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a Notice of Public Hearing to consider all of the appeals that have been filed regarding the decision of the Planning Commission to deny Use Permit (U-02-12), Vesting Tentative Parcel Map (03-P-001), and Site Plan and Architectural Review (08-SP-08) concerning the Lodi Shopping Center located at 2640 West Kettleman Lane; and further consider adopting the Findings and Statements of Overriding Considerations pursuant to the California Environmental Quality Act, attached hereto marked Exhibit A. The mailing list for said matter is attached hereto marked Exhibit B.

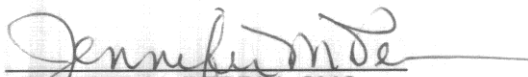
There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 29, 2009, at Lodi, California.

**ORDERED BY**

**RANDI JOHL**  
CITY CLERK, CITY OF LODI

  
JENNIFER M. PERRIN, CMC  
ASSISTANT CITY CLERK

\_\_\_\_\_  
MARIA BECERRA  
ADMINISTRATIVE CLERK



# CITY OF LODI

Hutchins Street Square  
125 S. Hutchins St., Lodi

## NOTICE OF PUBLIC HEARING

Date: May 13, 2009

Time: 6:30 p.m.

For information regarding this notice please contact:

Randi Johl

City Clerk

Telephone: (209) 333-6702

EXHIBIT A

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Wednesday, May 13, 2009, at the hour of 6:30 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at Hutchins Street Square, 125 South Hutchins Street, Lodi, to consider the following items:

- a) Appeals filed by Wal-Mart Stores, Inc., Browman Development Company, Lodi First, and PAQ, Inc. regarding the decision of the Planning Commission to deny Use Permit (U-02-12) concerning the construction of a commercial center in a C-S, Commercial Shopping District, and the sale of alcoholic beverages at the proposed Wal-Mart Supercenter; Vesting Tentative Parcel Map (03-P-001) concerning the creation of 12 parcels for the project; and Site Plan and Architectural Review (08-SP-08) concerning site plan and architectural review of a proposed Wal-Mart Supercenter at the proposed Lodi Shopping Center located at 2640 West Kettleman Lane (collectively "the Project"); and further consider approval of the Project and consider adopting findings and statements of overriding considerations pursuant to the California Environmental Quality Act.

Information regarding this item may be obtained in the Community Development Department, 221 West Pine Street, Lodi, (209) 333-6711. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 West Pine Street, 2<sup>nd</sup> Floor, Lodi, 95240, at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

By Order of the Lodi City Council:

Randi Johl

City Clerk

Dated: April 21, 2009

Approved as to form:

D. Stephen Schwabauer

City Attorney

## EXHIBIT B

APN	OWNER	ADDRESS	CITY	STATE	ZIP
02741007	SACRAMENTO KETTLEMAN LLC ETAL	1954 MT DIABLO BLVD #A	WALNUT CREEK	CA	94596
02742001	GEWEKE FAMILY PTP	PO BOX 1420	LODI	CA	95241
02742003	IN N OUT BURGERS CORP	13502 HAMBURGER LN	BALDWIN PARK	CA	91706
02742013	GEWEKE VIII LP ETAL	PO BOX 1210	LODI	CA	95241
05803005	VAN RUITEN RANCH LTD	PO BOX 520	WOODBIDGE	CA	95258
05803009	REICHMUTH, THOMAS E TR	2541 LYNCH WAY	LODI	CA	95242
05803011	BDC LODI III LP	100 SWAN WAY SUITE 206	OAKLAND	CA	94621
05803012	WAL MART REAL EST BUSINESS TRU	MAIL STOP 0555	BENTONVILLE	AR	72716
05803013	BDC LODI III LP	100 SWAN WAY STE 206	OAKLAND	CA	94621
05814001	TESORO SIERRA PROPERTIES LLC	300 CONCORD PLAZA DR	SAN ANTONIO	TX	78216
05814004	FRAME, DEAN K & SHARON L TR	212 RUTLEDGE DR	LODI	CA	95242
05814006	HERRMANN, CHARLENE K TR ETAL	1200 GLENHURST DR	LODI	CA	95240
05814007	DEL RIO, SANTIAGO M & RAMONA T	15315 N HOERL RD	LODI	CA	95240
05814011	GREVER, ZANE M & PATSY R TR	1432 PARK ST	LODI	CA	95242
05814012	PETERSON, M BILL	PO BOX 473	LOCKEFORD	CA	95237
05814014	PETERSON, RUTH SUSAN	PO BOX 331	SUTTER CREEK	CA	95685
05814042	BARBER VALLEJO PROPERTIES LP	2595 AUTO MALL PKWY	FAIRFIELD	CA	94533
05814044	FIRST LODI PLAZA ASSOCIATES	1556 PARKSIDE DR	WALNUT CREEK	CA	94596
02705021	GEWEKE FAMILY LTD PTP	2475 MAGGIO CIR	LODI	CA	95240

# EXHIBIT B

## APPEALS REGARDING DECISION OF THE PLANNING COMMISSION TO DENY USE PERMIT, VESTING TENTATIVE PARCEL MAP, AND SITE PLAN AND ARCHITECTURAL REVIEW FOR LODI SHOPPING CENTER

### Mailing List

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Alexis M. Pelosi  
Sheppard Mullin Richter & Hampton LLP  
Four Embarcadero Center, 17<sup>th</sup> Floor  
San Francisco, CA 94111

Andrea K. Leisy, Esq.  
Remy Thomas Moose & Manley LLP  
455 Capitol Mall, Suite 210  
Sacramento, CA 95814

Chris Podesto, Director of Marketing  
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**Kari Chadwick** - sent to e-Notification list on 4/30/09 *px*

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